

CR 07 00612

## UNITED STATES DISTRICT COURT

E-FILING

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

2007 SEP 26 P 11:01  
RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

THE UNITED STATES OF AMERICA

vs.

ABEL LAMAS-PACHECO

## INDICTMENT

COUNT ONE: 8 U.S.C., Section 1326 - Illegal Re-Entry Following Deportation

A true bill.

  
Foreperson

Filed in open court this 26 day of Sept.

A.D. 2007

  
UNITED STATES MAGISTRATE JUDGE

Bail. \$ no process

E-FILING

FILED

SCOTT N. SCHOOLS (SC 9990)  
United States Attorney

2007 SEP 26 P 4: 01

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST OF CAL. S.J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CR 07 00612

UNITED STATES OF AMERICA,

No.

Plaintiff,

v.

ABEL LAMAS-PACHECO,

Defendant.

VIOLATION: 8 U.S.C. § 1326 –  
Illegal Re-Entry Following Deportation

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

On or about September 6, 2007, the defendant,

ABEL LAMAS-PACHECO,

an alien, previously having been arrested and deported from the United States on or about  
July 8, 1983, August 16, 1988, July 2, 1991, December 17, 1991, January 5, 1993, August 17,  
1993, June 15, 1996, November 28, 1997, February 22, 2000 and November 30, 2005, was found  
in the Northern District of California, the Attorney General of the United States and the Secretary  
for Homeland Security not having expressly consented to a re-application by the defendant for

//

INDICTMENT

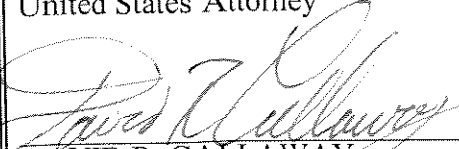
admission into the United States, in violation of Title 8, United States Code, Section 1326.

DATED: 9/26/07

A TRUE BILL.

  
FOREPERSON

SCOTT N. SCHOOLS  
United States Attorney

  
DAVID R. CALLAWAY  
Deputy Chief, San Jose Branch Office

(Approved as to form: )  
SAUSA B. KENNEDY

INDICTMENT

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

 Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA
**OFFENSE CHARGED**
 8 USC §. 1326 - Illegal Re-entry Following  
 Deportation

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony
**PENALTY:**
 20 years imprisonment  
 \$250,000 fine  
 3 years supervised release  
 \$100 special assessment
**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

S/A Tim Purdy - ICE

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 SHOW  
 DOCKET NO.

 MAGISTRATE  
 CASE NO.  
 07-70552PVT

 Name and Office of Person  
 Furnishing Information on  
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y  
 (if assigned)

BENJAMIN KENNEDY

DEFENDANT - U.S.

ABEL LAMAS-PACHECO

DISTRICT COURT NUMBER

**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.  
 If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

 Has detainer  
 been filed?

☐ Yes  
☐ No

 If "Yes"  
 give date  
 filed

**DATE OF  
 ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
 TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☒ NO PROCESS\*

☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: